

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Sunnie Burningham, Managing Editor

The *Utah State Digest (Digest)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Government Operations, produces the *Digest* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Digest* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Digest* should be addressed to the contact person for the rule. Questions about the *Digest* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The *Utah State Digest* summarizes the contents of the *Utah State Bulletin* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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EDITOR'S NOTES

Extending Public Comment for Proposed Amendments to R35 Rules

The State Records Committee under the Department of Government Operations has requested to extend the public comment period for the proposed amendments published in the June 15, 2023, Bulletin.

They are:

ID 55397, R35-1, State Records Committee Appeal Hearing Procedures

ID 55398, R35-1a, State Records Committee Definitions

ID 55399, R35-2, Declining Appeal Hearings

ID 55400, R35-4, Compliance with State Records Committee Decisions and Orders

ID 55401, R35-5, Subpoenas Issued by the Records Committee

ID 55402, R35-6, Expedited Hearing

The original comment end date was 07/17/2023. The extended due date for comments for all of them is 08/08/2023.

Questions can be directed to: Rebekkah Shaw by phone at 801-531-3851 or by email at rshaw@utah.gov

Publishing Error for Rule R657-4, ID 55466

On 07/17/2023, the Office of Administrative Rules (OAR) discovered that the Division of Wildlife Resources (DWR) did not want the repeal and reenact on Rule R657-4, ID 55466, published in the July 15, 2023, Utah State Bulletin (after it was published).

So OAR is withdrawing that filing, and DWR has filed a replacement repeal and reenact filing on Rule R657-4 under ID 55534 that will be published in the August 15, 2023, Bulletin.

Questions about the filing can be directed to: Staci Coons, by phone at 801-450-3039; or by email at stacicoons@utah.gov.

Questions about the publishing process can be directed to: OAR by email at rulesonline@utah.gov.

Codification Error for Rule R68-26, ID 55411

A proposed amendment to Rule R68-26, Cannabinoid Product Registration and Labeling, was published in the June 1, 2023, Bulletin under ID 55411.

It was made effective on 07/11/2023. During codification of this filing, it was discovered that the word "may" was added to Subsection R68-26-5(12) without being underlined. As the text was published in the Bulletin, the Office of Administrative Rules has chosen to allow the addition of "may" even though it was missing the correct marking.

Questions about this issue can be sent to the Office of Administrative Rules at rulesonline@utah.gov

End of the Editor's Notes Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between July 01, 2023, 12:00 a.m., and July 14, 2023, 11:59 p.m. are included in this, the August 01, 2023, issue of the *Utah State Digest*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least August 31, 2023. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through November 29, 2023, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the **RULE ANALYSIS** for each rule.*

PROPOSED RULES are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R313-12-3	Filing ID: 55531

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Radiation	
Room number:	2nd Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Spencer Wickham	385-499-4895	swickham@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R313-12-3. Definitions
3. Purpose of the new rule or reason for the change:
The NRC is amending its regulations to implement the Social Security Number Fraud Prevention Act of 2017 and to make miscellaneous corrections.
These changes include amending regulations to prohibit the inclusion of an individual's Social Security number on any document sent through the mail, redesignating footnotes, correcting references, typographical errors, nomenclature, titles, email addresses, and contact information.
As an Agreement State, Utah must adopt these changes into the Radiation Control Rules to maintain compatibility with the federal program.
4. Summary of the new rule or change:
This amendment adds the year 2020 to two incorporations by reference found in the definition "A2".

Additionally, the Division of Waste Management and Radiation Control, Radiation is correcting typographical and formatting errors that have been discovered in this rule.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
It is not anticipated that there will be any additional costs or savings to the state budget due to this amendment because it does not add or remove any requirements or duties to the agency.
B) Local governments:
It is not anticipated that there will be any additional costs or savings to local governments due to this amendment because it does not add or remove any requirements that a local government would be required to follow.
C) Small businesses ("small business" means a business employing 1-49 persons):
It is not anticipated that there will be any additional costs or savings to any small businesses due to this amendment because it does not add or remove any requirements that a small business would be required to follow.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
It is not anticipated that there will be any additional costs or savings to any non-small businesses due to this amendment because it does not add or remove any requirements that a non-small business would be required to follow.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
It is not anticipated that there will be any additional costs or savings to any persons other than small businesses, non-small businesses or state or local governments due to this amendment because it does not add or remove any requirements that any such persons would be required to follow.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There will be no additional compliance costs for affected persons due to this amendment beyond any costs that they already incur to comply with this rule prior to this amendment.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kimberly D Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-3-104	Section 19-6-104	
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Incorporations by Reference Information

7. Incorporations by Reference:

A) This rule adds, updates, or removes the following title of materials incorporated by references:

Official Title of	Title 10 - Energy, Chapter I – Nuclear
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Materials Incorporated (from title page)	Regulatory Commission, Part 71 – Packaging and Transportation of Radioactive Material Appendix A to Part 71 – Determination of A1 and A2
Publisher	United States Government, Nuclear Regulatory Commission
Issue Date	10/16/2020

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	08/31/2023
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9. This rule change MAY become effective on:	09/18/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Douglas J Hansen, Division Director	Date:	07/13/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R313-32-2	Filing ID: 55532

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Radiation	
Room number:	2nd Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov

Spencer Wickham	385- 499- 4895	swickham@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R313-32-2. Clarifications for Exceptions
3. Purpose of the new rule or reason for the change:
The NRC is amending its regulations to implement the Social Security Number Fraud Prevention Act of 2017 and to make miscellaneous corrections. These changes include amending regulations to prohibit the inclusion of an individual's Social Security number on any document sent through the mail, redesignating footnotes, correcting references, typographical errors, nomenclature, titles, e-mail addresses, and contact information. As an Agreement State, Utah must adopt these changes into the Radiation Control Rules to maintain compatibility with the federal program.
4. Summary of the new rule or change:
This amendment changes the year 2019 to 2020 for the incorporation by reference found in the opening subsection of Section R313-32-2. Additionally, the Division of Waste Management and Radiation Control, Radiation is correcting typographical and formatting errors that have been discovered in this rule.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
It is not anticipated that there will be any additional costs or savings to the state budget due to this amendment because it does not add or remove any requirements or duties to the agency.
B) Local governments:
It is not anticipated that there will be any additional costs or savings to local governments due to this amendment because it does not add or remove any requirements that a local government would be required to follow.
C) Small businesses ("small business" means a business employing 1-49 persons):
It is not anticipated that there will be any additional costs or savings to any small businesses due to this amendment because it does not add or remove any requirements that a small business would be required to follow.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that there will be any additional costs or savings to any non-small businesses due to this amendment because it does not add or remove any requirements that a non-small business would be required to follow.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that there will be any additional costs or savings to any persons other than small businesses, non-small businesses or state or local governments due to this amendment because it does not add or remove any requirements that any such persons would be required to follow.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There will be no additional compliance costs for affected persons due to this amendment beyond any costs that they already incur to comply with this rule prior to this amendment.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Environmental Quality, Kimberly D Shelley, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 19-3-104	Section 19-6-107	

Incorporations by Reference Information

7. Incorporations by Reference:	
A) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Title 10 - Energy, Chapter I – Nuclear Regulatory Commission, Part 35 – Medical Use of Byproduct Material, Subpart M – Reports 35.3045 Report notification of a medical event
Publisher	United States Government, Nuclear Regulatory Commission
Issue Date	09/01/2020

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	08/31/2023

9. This rule change MAY become effective on:	09/18/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Douglas J Hansen, Division Director	Date:	07/13/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R414-1-31	Filing ID: 55528

Agency Information

1. Department:	Health and Human Services	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R414-1-31. Withholding of Payments
3. Purpose of the new rule or reason for the change:
The purpose of this change is to implement by rule the False Claims Act as found in the United States Code.
4. Summary of the new rule or change:
In accordance with the Social Security Act and False Claims Act implementation, this amendment requires providers to establish written policies for employees that spell out administrative remedies for false claims and statements, and requires providers to comply with state laws pertaining to penalties, whistleblower protections, and written policies for preventing and detecting fraud, waste, and abuse.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no impact to the state budget as this amendment only requires providers to set forth policies for employees

who submit false claims and statements. It does not affect current payment rates or methodology.

B) Local governments:

There is no impact on local governments as they neither fund nor provide benefits under the Medicaid program.

C) Small businesses ("small business" means a business employing 1-49 persons):

There is no impact on small businesses as this amendment only requires providers to set forth policies for employees who submit false claims and statements. It does not affect current payment rates or methodology.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There is no impact on non-small businesses as this amendment only requires providers to set forth policies for employees who submit false claims and statements. It does not affect current payment rates or methodology.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

Medicaid providers that do not comply with the False Claims Act are subject to civil fines and penalties. There is, however, no way to determine how those penalties would be assessed. Usual payments to providers, based on current methodology, remain unaffected.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

A single Medicaid provider that does not comply with the False Claims Act is subject to civil fines and penalties. There is, however, no way to determine how those penalties would be assessed. Usual payments to providers, based on current methodology, remain unaffected.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Health and Human Services, Tracy S Gruber, has reviewed and approved this fiscal analysis.

Businesses will see neither costs nor revenue as this amendment only requires providers to set forth policies for employees who submit false claims and statements. It does not affect current payment rates or methodology.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 26B-1-213	Section 26B-3-108	
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	08/31/2023
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9. This rule change MAY become effective on:	09/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	07/11/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R414-502	Filing ID: 55498

Agency Information

1. Department:	Health and Human Services	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R414-502. Nursing Facility Levels of Care
3. Purpose of the new rule or reason for the change:
The purpose of this change is to update and clarify the rule text as needed. Additionally, this rule updates the authorizing citations following the 2023 General Session recodification of the Department of Health and Human Services' (Department) statute.
4. Summary of the new rule or change:
This amendment updates names, terms, and entities in the text. It also makes other technical and structural changes.

Additionally, this amendment updates the authorizing citations of this rule, this is due to the recodification and consolidation of the Department's statute.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:																
A) State budget:																
There is no impact to the state budget as there are only minor changes and technical updates.																
B) Local governments:																
There is no impact on local governments as they neither fund nor provide benefits under the Medicaid program.																
C) Small businesses ("small business" means a business employing 1-49 persons):																
There is no impact on small businesses as there are only minor changes and technical updates.																
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																
There is no impact on non-small businesses as there are only minor changes and technical updates.																
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):																
There is no impact to other persons or entities as there are only minor changes and technical updates.																
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):																
There are no compliance costs to a single person or entity as there are only minor changes and technical updates.																
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)																
Regulatory Impact Table																
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2024</th> <th>FY2025</th> <th>FY2026</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2024	FY2025	FY2026	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0	Small Businesses	\$0	\$0	\$0
Fiscal Cost	FY2024	FY2025	FY2026													
State Government	\$0	\$0	\$0													
Local Governments	\$0	\$0	\$0													
Small Businesses	\$0	\$0	\$0													

NOTICES OF PROPOSED RULES

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
Section 26B-1-213 Section 26B-3-108

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 08/31/2023

9. This rule change MAY become effective on: 09/07/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title: Tracy S Gruber, Executive Director	Date: 06/15/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R414-505	Filing ID: 55527

Agency Information

1. Department:	Health and Human Services	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R414-505. Participation in the Nursing Facility Non-State Government-Owned Upper Payment Limit Program
3. Purpose of the new rule or reason for the change:
The purpose of this change is to update and clarify the rule text as needed.
Additionally, this rule updates the authorizing citations following the 2023 General Session recodification of the Department of Health and Human Services' (Department) statute.
4. Summary of the new rule or change:
This amendment updates names, terms, and entities in the text.
It also makes other technical and structural changes.
Additionally, this amendment updates the authorizing citations of this rule, this is due to the recodification and consolidation of the Department's statute.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

There is no impact to the state budget as there are only minor changes and technical updates.

B) Local governments:

There is no impact on local governments as they neither fund nor provide benefits under the Medicaid program.

C) Small businesses ("small business" means a business employing 1-49 persons):

There is no impact on small businesses as there are only minor changes and technical updates.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There is no impact on non-small businesses as there are only minor changes and technical updates.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no impact to other persons or entities as there are only minor changes and technical updates.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs to a single person or entity as there are only minor changes and technical updates.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0

Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 26B-1-213	Section 26B-3-108	
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	08/31/2023
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9. This rule change MAY become effective on:	09/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	07/11/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R432-201	Filing ID:	55504
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Agency Information

1. Department:	Health and Human Services	
Agency:	Health Care Facility Licensing	
Room number:	1st Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R432-201. Mental Retardation Facility: Supplement A to the Small Health Care Facility Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this amendment is to modify and replace outdated language with the Utah Rulewriting Manual standards.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The revisions include more specific language consistent with the Utah Rulewriting Manual standards and current industry standards.
The substantive change is due to the removal of incorporations that the Division of Health Care Facility Licensing determined are better represented in agency policy as recommended standards for the plans review processes.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
State government process was thoroughly reviewed. This change will not impact the current process for licensure and re-licensure surveys.

No change to the state budget is expected because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

B) Local governments:

Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments' revenues or expenditures because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

The Intellectual Disabilities Facility Standards are regulated by the Department of Health and Human Services and not local governments.

There will be no change in local business licensing or any other item(s) with which local government is involved.

C) Small businesses ("small business" means a business employing 1-49 persons):

After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for small businesses because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for non-small businesses because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to affected persons because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to compliance costs for affected persons because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in

this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 26B-2-202		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	08/31/2023

9. This rule change MAY become effective on:	09/07/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	06/22/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R708-49	Filing ID: 55526

Agency Information

1. Department:	Public Safety	
Agency:	Driver License	
Room number:	Suite 2600	
Street address:	4315 S 2700 W, 2nd Floor	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 144501	
City, state and zip:	Salt Lake City, UT 84114-4501	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R708-49. Temporary Identification Card
3. Purpose of the new rule or reason for the change:
Upon conducting a five-year review of this rule, it was determined the statute cited does not grant the Division of Driver License (Division) rulemaking authority. The purpose of this filing is to repeal the existing rule.

4. Summary of the new rule or change:

This rule is being repealed because the statute cited in the existing rule does not give the Division authority for this rule. After a review, no other statutes granting authority for this rule could be found.

In addition, this rule is not necessary because:

- 1) Subsection R708-49-4(1) references language found in Subsection 53-3-805(10) which grants the Division the authority to issue a temporary identification card while an individual obtains the necessary documents stated in Subsection 53-3-804(2);
- 2) Subsection R708-49-4(1)(a) references language found in Section 53-3-105 regarding an application fee for an identification card;
- 3) Subsection R708-49-4(1)(b) references language found in Subsection 53-3-804(2) regarding lawful presence;
- 4) Subsection R708-49-4(1)(c) references a Division process that is no longer required. The individual's photograph is taken at the time of application and is not required to be on file beforehand; and
- 5) Subsections R708-49-4(2), R708-49-4(3), and R708-49-4(4) are Division policies that are not required by administrative rule or statute.

This rule is repealed in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

There is no anticipated cost or savings to the state budget as a result of the repeal of this rule because the processes outlined in this rule are codified in other sections of statute and are existing policies of the Division that are not changing with the repeal of this rule.

B) Local governments:

There is no anticipated cost or savings to local governments as a result of the repeal of this rule because the processes outlined in this rule are codified in other sections of statute and are existing policies of the Division that are not changing with the repeal of this rule.

C) Small businesses ("small business" means a business employing 1-49 persons):

There is no anticipated cost or savings to small businesses as a result of the repeal of this rule because the processes outlined in this rule are codified in other sections of statute and are existing policies of the Division that are not changing with the repeal of this rule.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There is no anticipated cost or savings to non-small businesses as a result of the repeal of this rule because the processes outlined in this rule are codified in other sections of statute and are existing policies of the Division that are not changing with the repeal of this rule.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no anticipated cost or savings to persons other than small business, non-small business, state, or local governments entities as a result of the repeal of this rule because the processes outlined in this rule are codified in other sections of statute and are existing policies of the Division that are not changing with the repeal of this rule.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no anticipated compliance costs for affected persons as a result of the repeal of this rule because the processes outlined in this rule are codified in other sections of statute and are existing policies of the division that are not changing with the repeal of this rule.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Commissioner of the Department of Public Safety, Jess L Anderson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 53-3-104(1)(b)	Section 53-3-805	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	08/31/2023
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9. This rule change MAY become effective on:	09/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	07/05/2023
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End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R501-3	Filing ID: 55525
Effective Date:	07/03/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Human Services Program Licensing	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R501-3. Inspection and Emergency Enforcement

3. Purpose of the new rule or reason for the change:
This rule establishes the standard for emergency agency actions taken by the Department of Health and Human Services (Department) following a serious injury or death in a human services program.
4. Summary of the new rule or change:
This new rule is for the Department to outline a balanced process for the office to initiate immediate protections for clients while preserving the human services program's rights.
5A) The agency finds that regular rulemaking would:
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:
This rule establishes the standard for an emergency agency action taken by the office following a serious injury or death in a human services program. The Department is proceeding with an emergency rule filing to ensure the provisions of this rule are in place for the protection of Department clients.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The Office of Human Services Program Licensing (Office) already issues and monitors conditional licenses under notices of agency actions, the addition of an emergency agency action allows staff to take these measures with more immediacy for the protection of clients.

It is not anticipated that there will be any cost benefit or loss to state budget as a result of this rule filing.

B) Local governments:

Human services programs are regulated by the Department and not local governments. There will be no change in local business licensing or any other items with which local governments are involved.

There are no fiscal impact to local governments resulting from the changes in this rule content.

C) Small businesses ("small business" means a business employing 1-49 persons):

Fiscal impact to small businesses is immeasurable, as this rule requires a significant critical incident to occur before it can be initiated.

A chronically noncompliant human services program could be subject to license sanctions or civil money penalties of up to \$10,000.00 (as authorized by Section 26B-2-113) and a compliant human services program may appeal the action and have it reversed with no civil money penalties or license sanctions.

D) Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

Fiscal impact to other persons (for example foster parents) is immeasurable, as this rule requires a significant critical incident to occur before it can be initiated.

It is not the Office's practice to issue civil money penalties to foster parents and their cost could amount to revocation of license as a most stringent penalty.

E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

It is impossible to determine what the fiscal impact on affected persons might be due to the variables contributing to each specific incident.

F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

Fiscal impact to businesses is immeasurable, as this rule requires a significant critical incident to occur before it can be initiated.

A chronically noncompliant human services program could be subject to license sanctions or civil money penalties up to \$10,000.00 (as authorized by Section 26B-2-113) and a compliant human services program may appeal the action and have it reversed with no civil money penalties or license sanctions. Tracy S. Gruber, Executive Director

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 26B-2-104

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	07/03/2023
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NOTICE OF EMERGENCY (120-DAY) RULE

Rule or Section Number:	R714-562	Filing ID: 55529
Effective Date:	07/12/2023	

Agency Information

1. Department:	Public Safety	
Agency:	Highway Patrol	
Building:	Calvin Rampton Complex	
Street address:	4501 S 2700 W	
City, state and zip:	Salt Lake City UT 84119-5994	
Mailing address:	PO Box 141100	
City, state and zip:	Salt Lake City UT 84114-1100	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R714-562. Early Intervention System Grant Program

3. Purpose of the new rule or reason for the change:
This rule is authorized as a result of the passage of S.B. 124 during the 2023 General Session under Sections 53-14-202 and 53-14-203.
4. Summary of the new rule or change:
This rule creates a program to assist law enforcement agencies through monetary grants using one time funding appropriated by the Legislature during the 2023 General Session.
This rule establishes the Early Intervention System Grant Funding Committee to assist the Department of Public Safety (Department) in awarding funds to law enforcement agencies, criteria for law enforcement agencies to apply for grant funding, criteria for awarding grant funding to law enforcement agencies, and requirements to ensure accountability for funding provided to law enforcement agencies.
5A) The agency finds that regular rulemaking would:
<input type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/> place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:
This funding was made available on 07/01/2023. The Department needs to enact rules in order to begin allowing law enforcement agencies to apply for and be awarded grant funding to purchase early intervention systems.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The Utah Legislature appropriated \$3,000,000 to provide grant funding for law enforcement agencies for the purchase of early intervention systems as outlined in Section 53-14-203.
The Department does not anticipate a cost or savings to the state as a result of this rule because it is strictly explaining how the appropriated funds will be distributed.
B) Local governments:
The Department anticipates a cost savings from \$15,700 to \$31,700 to local governments as a result of the funds appropriated by the Legislature.
Local law enforcement agencies will have the ability to apply for funding from the \$3,000,000 appropriation in order to purchase an early intervention system.

Local law enforcement agencies will submit an application for approval of grant funding awards, and once approved, will be awarded funding based on the number of officers employed by the agency.
The Department does not anticipate a cost or savings to local governments as a result of this rule because it is strictly explaining how the appropriated funds will be distributed.
C) Small businesses ("small business" means a business employing 1-49 persons):
The Department is not aware of any small businesses that would satisfy the minimum standards for an early intervention system, but the Department is aware of one non-small business that currently has a system available that will meet the minimum standards established by this rule, as authorized under Section 53-14-202, for a law enforcement agency to comply with statutory requirements and receive grant funding as outlined under Section 53-14-203.
There may be other businesses that are able to provide this service, as would be identified through an RFP. Under the grant program created in Section 53-14-203, a business that is able to provide a system that meets minimum standards established in the administrative rule will have a potential to sell early intervention systems to law enforcement agencies in the amount of up to \$3,000,000 in grant funding appropriated by the Legislature.
The Department does not anticipate a cost or savings to small businesses as a result of this rule because it is strictly explaining how the appropriated funds will be distributed.
D) Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
There are no compliance costs for persons other than small businesses, state, or local government entities because this rule only identifies the process for a law enforcement entity to apply for grant funding appropriated by the Legislature for the purchase of an early intervention system.
E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for affected persons because this rule only identifies the process for a law enforcement entity to apply for grant funding appropriated by the Legislature for the purchase of an early intervention system.

NOTICES OF 120-DAY (EMERGENCY) RULES

F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 53-14-202	Section 53-14-203	
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Agency Authorization Information

Agency head or designee and title:	Michael Rapich, Colonel Utah Highway Patrol	Date:	07/12/2023
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End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-552	Filing ID: 55248
Effective Date:	07/13/2023	

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R277-552. Charter School Timelines and Approval Processes
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	

This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4), which allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law; Subsection 53G-6-504(5), which requires the Board to make rules regarding a charter school expansion or satellite campus; Sections 53G-5-304 through 53G-5-306, which require the Board to make a rule providing a timeline for the opening of a charter school; Section 53F-2-702, which directs the Board to distribute funds for charter school students directly to the charter school; the Charter School Expansion Act of 1998, 20 U.S.C. Sec. 8063, which directs the Board to submit specific information before a charter school's receipt of federal funds; and Subsection 53G-5-205(5), which requires the Board to make rules establishing minimum standards that an authorizer is required to apply in authorizing and monitoring charter schools.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no public comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it establishes procedures for timelines and approval processes for new charter schools; and provides criteria and standards for consideration of high performing charter schools to expand and request new schools that are satellite schools. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	07/13/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R317-15	Filing ID:	50782
Effective Date:	07/10/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Water Quality	
Room number:	DEQ, 3rd Floor	
Building:	Multi Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144870	
City, state and zip:	Salt Lake City, UT 84114-4870	
Contact persons:		
Name:	Phone:	Email:
Jeanne Riley	801-536-4369	jriley@utah.gov
Linsey Shafer	385-405-4158	lrshafer@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R317-15. Water Quality Certification
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule establishes procedures for applying for and processing State Water Quality Certification pursuant to Section 401 of the Federal Water Pollution Prevention and Control Act, 33 U.S.C. Sec. 1341, and consistent with the Utah Water Quality Act, Title 19, Chapter 5.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during and since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The Section 401 Water Quality Certification Process rule provides the state with an important tool to help protect water quality. It allows the state to collaborate with federal agencies to ensure that federally permitted or licensed activities will be conducted in a manner to comply with discharge and water quality requirements in order to protect the physical, chemical, and biological integrity of the state's waters. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	John K Mackey, PE, Director	Date:	07/10/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R317-101	Filing ID:	52327
Effective Date:	07/10/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Water Quality	
Room number:	DEQ 3rd Floor	
Building:	Multi Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144870	
City, state and zip:	Salt Lake City, UT 84114-4870	
Contact persons:		
Name:	Phone:	Email:
Judy Etherington	801-536-4344	jetherington@utah.gov
Harry Campbell	385-501-9583	hcampbell@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R317-101. Utah Wastewater Project Assistance Program

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule supports the federal Clean Water Act and the Utah Water Quality Act by providing funding for projects that protect water quality. The laws connected with the State Revolving Fund Program, which is the basis for this rule, comes from the Clean Water Act under Sections 11-8-2 and 73-10c-4.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during and since the last five-year review, although Section R317-101-3 was recently amended.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule provides benefits to communities by providing information and guidelines for financial tools enabling them to build wastewater and other utilities to improve health and safety. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	John K Mackey, PE, Director	Date:	07/10/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R384-324	Filing ID:	53049
Effective Date:	07/07/2023		

Agency Information

1. Department:	Health and Human Services		
Agency:	Disease Control and Prevention, Health Promotion		
Building:	Cannon Health Building		
Street address:	288 N 1460 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 142106		
City, state and zip:	Salt Lake City, UT 84114-2106		
Contact persons:			
Name:	Phone:	Email:	
Braden Ainsworth	801-538-6187	tobaccorulescomments@utah.gov	

McKenna Christensen	801-538-6260	tobaccorulescomments@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R384-324. Tobacco Product, Electronic Cigarette Product, and Nicotine Product Retailer Permit Process
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26B-7-5 recodified from Section 26-1-5, authorizes this rule. This section outlines the regulation of tobacco retailers and requires the Department of Health and Human Services (Department) and local health departments to enforce the provisions of this section. This rule relates to the enforcement of Section 26B-7-5.
According to Section 26B-7-515, "The department and local health departments shall enforce Sections 26B-7-506 through 26B-7-521 under the procedures of Title 63G, Chapter 4, Administrative Procedures Act".
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department did not receive any written comments supporting or opposing Rule R384-324 in the last five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule outlines the tobacco product, electronic cigarette product, and nicotine product retailer permit process. This rule is integral in the retailer permitting process and providing enforcement mechanisms in the event of noncompliance. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S Gruber, Executive Director	Date:	07/07/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R392-103	Filing ID:	52876
Effective Date:	07/07/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Population Health, Environmental Health	
Room number:	Second Floor	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142102	
City, state and zip:	Salt Lake City, UT 84114-2102	
Contact persons:		
Name:	Phone:	Email:
Karl Hartman	801-538-6191	khartman@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R392-103. Food Handler Training and Certificate
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Sections 26B-7-402 and 26B-1-202. Specifically, Subsection 26B-7-412(8) orders the Department of Health and Human Services to establish and adopt this rule.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
As stated in Box 3 above, this rule is required by statute. Proper application of the required training principles will empower food handlers to prevent and safeguard against foodborne illnesses. Testing of food handlers confirms that the food handler gained an understanding of correct food protection principles. A food handler permit that is recognized statewide provides a tool for local health officers to verify that food handlers have received state approved training and testing. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S Gruber, Executive Director	Date:	07/07/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-186	Filing ID:	54406
Effective Date:	07/07/2023		

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R590-186. Bail Bond Business
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-35-104 requires the Insurance Commissioner to adopt specific licensure and certification guidelines and standards of conduct for the bail bond business.
Section 31A-35-301 authorizes the Insurance Commissioner to adopt rules to administer Title 31A, Chapter 35, the Bail Bond Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Insurance has received no written comments regarding this rule during the past five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule establishes specific licensure and certification guidelines and standards of conduct for the business of bail bond surety insurance.

This rule also specifies certain conduct that is considered to be unprofessional and in violation of the Insurance Code. This is an important rule in training and regulating bail licensees in their conduct and licensure. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	07/07/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R592-10	Filing ID:	53843
Effective Date:	07/07/2023		

Agency Information

1. Department:	Insurance		
Agency:	Title and Escrow Commission		
Room number:	Suite 2300		
Building:	Taylorsville State Office Building		
Street address:	4315 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Mailing address:	PO Box 146901		
City, state and zip:	Salt Lake City, UT 84114-6901		
Contact persons:			
Name:	Phone:	Email:	
Steve Gooch	801-957-9322	sgooch@utah.gov	

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R592-10. Assessment for the Title Licensee Enforcement Restricted Account
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 31A-2-404(2)(d) requires the Title and Escrow Commission to determine, by rule, the assessment required by Section 31A-23a-415.

Subsection 31A-23a-415(2)(d) was amended by H.B. 410 (passed in the 2023 General Session) to remove a requirement to establish, by rule, the costs and expenses to be deposited into the Title Licensee Enforcement Restricted Account, and to instead require the Title and Escrow Commission to approve the prior year's costs and expenses during the first quarter of the fiscal year.

The rule will be amended at a later date to reflect this change.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department of Insurance (Department) has received no written comments regarding this rule during the past five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to determine the costs and expenses incurred by the Department as it regulates the title insurance industry; these costs and expenses are covered by an assessment to the industry.

This rule sets a method of calculation that is important for transparency purposes, as well as for fairness, consistency, and accuracy. The Title and Escrow Commission voted 4 to 0 to continue this rule at its 06/12/2023 meeting. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	07/07/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R651-411	Filing ID:	51645
Effective Date:	07/07/2023		

Agency Information

1. Department:	Natural Resources
Agency:	State Parks
Street address:	1594 W North Temple, Suite 116
City, state and zip:	Salt Lake City, UT 84116

Mailing address:	PO Box 146001	
City, state and zip:	Salt Lake City, UT 84114-6001	
Contact persons:		
Name:	Phone:	Email:
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R651-411. OHV Use in State Parks
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 79-4-304(2)(a) provides the parks board with rulemaking authority to (i) governing the use of the state park system; (ii) to protect state parks and their natural and cultural resources from misuse or damage, including watersheds, plants, wildlife, and park amenities; and (iii) to provide for public safety and preserve the peace within state parks. (b) To accomplish the purposes stated in Subsection (2)(a), the board may enact rules that: (i) close or partially close state parks; or (ii) establish use or access restrictions within state parks. This rule provides protection of the state parks and natural resources from misuse or damage, as well as public safety. This rule provides information on the use of off-highway vehicles (OHVs) in the State Parks.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Division of State Parks (Division) has not received any written comments on this rule since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule furthers the Division's statutory obligation to provide for resource protection and public safety within state parks. This rule is needed to provide visitors the required acceptable behavior within the state parks which help to keep the parks orderly, safe, and sanitary. The Division has found that damage to facilities, damage to natural resources including watersheds and wildlife, and injuries to the public occur when this rule is not followed. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jeff Rasmussen, Director	Date:	07/06/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R651-700	Filing ID:	52584
Effective Date:	07/10/2023		

Agency Information

1. Department:	Natural Resources		
Agency:	State Parks		
Street address:	1594 W North Temple, Suite 116		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 146001		
City, state and zip:	Salt Lake City, UT 84114-6001		
Contact persons:			
Name:	Phone:	Email:	
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R651-700. Administrative Procedures for Real Property Management
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule establishes administrative procedures for real property under the management and/or ownership of the state of Utah, Division of Parks and Recreation (State Parks) real property, as set forth in Title 79, Chapter 4. Subsection 79-4-304(2)(a) provides the parks board with rulemaking authority to (i) govern the use of the state park system; (ii) protect state parks and their natural and cultural resources from misuse or damage, including watersheds, plants, wildlife, and park amenities; and (iii) provide for public safety and preserve the peace within state parks. (b) To accomplish the purposes stated in Subsection (2)(a), the board may enact rules that: (i) close or partially close state parks; or (ii) establish use or access restrictions within state parks.

This rule provides for governing of the state park system and protecting state parks and their natural and cultural resources.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Division of State Parks (Division) has not received any written comments on this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule furthers the Division's statutory obligation to provide for resource protection and public safety within state parks. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jeff Rasmussen, Director	Date:	07/06/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R657-19	Filing ID: 55189
Effective Date:	07/05/2023	

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R657-19. Taking Nongame Mammals

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Under Section 23-14-18, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments supporting or opposing Rule R657-19 were received since 2018, when this rule was last reviewed.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The Division of Wildlife Resources has carefully reviewed the biological data and purposes for which the Wildlife Board allows the taking of species listed in this rule and has determined that such species may be taken without harming the resource, while allowing recreational opportunities and depredation control on private lands. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	J Shirley, Division Director	Date:	07/05/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R657-57	Filing ID: 52673
Effective Date:	07/05/2023	

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R657-57. Division Variance Rule

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to provide authority, standards, and procedures for granting remedial relief to persons precluded from obtaining or using a wildlife document because of an event or condition beyond their control.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments supporting or opposing Rule R657-57 were received since 2018, when this rule was last reviewed.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Rule R657-57 provides the authority, standards, and procedures for granting remedial relief to persons precluded from obtaining or using a wildlife document because of an event or condition beyond their control.

This rule is necessary for continued success with the remedial relief to those impacted by an event or condition beyond their control. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	J Shirley, Division Director	Date:	07/05/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R657-59	Filing ID:	55298
Effective Date:	07/05/2023		

Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources
Room number:	Suite 2110

Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R657-59. Private Fish Ponds, Short Term Fishing Events, Private Fish Stocking, and Institutional Aquaculture

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Under Sections 23-15-9 and 23-15-10, the Wildlife Board is authorized and required to provide the standards and procedures for private fish ponds.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments supporting or opposing Rule R657-59 were received since 2018, when this rule was last reviewed.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Rule R657-59 provides the standards and procedures for private fish ponds.

This rule is necessary for continued success with the control of aquaculture facilities and products in the state. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	J Shirley, Division Director	Date:	07/05/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R657-60	Filing ID: 53475
Effective Date:	07/05/2023	

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R657-60 . Aquatic Invasive Species Interdiction
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is promulgated pursuant to authority granted to the Wildlife Board in Sections 23-27-401, 23-14-18, and 23-14-19.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments supporting or opposing Rule R657-60 were received since 2018, when this rule was last reviewed.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R657-60 defines the procedures and regulations designed to prevent and control the spread of aquatic invasive species within the state of Utah.
This rule is necessary for continued success with the control of aquatic invasive species. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	J Shirley, Division Director	Date:	07/05/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R657-65	Filing ID: 51781
Effective Date:	07/05/2023	

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R657-65. Urban Deer Control
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments supporting or opposing Rule R657-65 were received since 2018, when this rule was last reviewed.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This purpose of this rule is to allow the Division of Wildlife Resources and participating cities flexibility with removing urban deer with lethal or non-lethal methods. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	J Shirley, Division Director	Date:	07/05/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R746-345	Filing ID:	51968
Effective Date:	07/11/2023		

Agency Information

1. Department:	Public Service Commission		
Agency:	Administration		
Building:	Heber M Wells Building		
Street address:	160 E 300 S, 4th Floor		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 4558		
City, state and zip:	Salt Lake City, UT 84114-4558		
Contact persons:			
Name:	Phone:	Email:	
Mike Hammer	801-530-6729	michaelhammer@utah.gov	

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R746-345. Pole Attachments

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Title 54 recognizes public convenience and necessity may sometimes require one utility to allow another utility to utilize its poles or other infrastructure and that the two utilities may fail to agree upon terms of such use, see Section 54-4-13. Therefore, the Public Service Commission (PSC) is statutorily authorized to direct such use and to prescribe reasonable terms and conditions of joint use. The same section also enumerates certain rights and responsibilities that cable television companies maintain who have entered pole attachment agreements with public utilities as regard easements and other rights-

of-way and the PSC's jurisdiction to enforce certain of those rights.

This rule establishes a transparent, non-discriminatory regulatory framework for public utilities, cable companies, and other service providers authorized under Title 54 or the federal Pole Attachment Act to obtain fair contract terms to share in the use of public utilities' poles.

This rule also provides a dispute resolution process that allows for escalation to a hearing before the PSC where necessary.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The PSC has received no written comments from any interested person supporting or opposing this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Cable companies and other service providers frequently require exercising their rights under Section 54-4-13 and the federal Pole Attachment Act to hang wires or other infrastructure from existing utility poles that belong to different public utilities.

This rule provides an essential framework that facilitates efficient exercise of those rights and does not saddle public utilities or the entities requiring use of their poles with unnecessary negotiation and litigation costs. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Thad LeVar, PSC Chair	Date:	07/11/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R746-404	Filing ID:	51982
Effective Date:	07/11/2023		

Agency Information

1. Department:	Public Service Commission		
Agency:	Administration		
Building:	Heber M Wells Building		
Street address:	160 E 300 S, 4th Floor		
City, state and zip:	Salt Lake City, UT 84111		

Mailing address:	PO Box 4558	
City, state and zip:	Salt Lake City, UT 84114-4558	
Contact persons:		
Name:	Phone:	Email:
Mike Hammer	801-530-6729	michaelhammer@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
 R746-404. Regulation of Promotional Programs of Electric and Gas Public Utilities

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

The Public Service Commission (PSC) is vested with jurisdiction to supervise the business of public utilities and to regulate them, see Section 54-4-1.

Whenever the PSC determines the practices, equipment, or services of a public utility are unjust, unreasonable, improper, inadequate, or insufficient, the PSC is statutorily charged with remediating the inadequacy by order or rule. *Id.* at Section 54-4-7.

This rule facilitates the PSC's regulation of promotional programs utilities offer to ensure utilities may implement such programs without undue interference while providing a mechanism that allows the PSC, the Division of Public Utilities, and other stakeholders to have an opportunity to review the program before it takes effect, ensuring the program does not adversely affect the public interest or violate applicable law.

This rule also includes standards to ensure no promotional program discriminates among customers or provides preferential treatment to any customer or class of customers.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The PSC has received no written comments from any interested person supporting or opposing this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it provides a mechanism for utilities to implement promotional programs that does not unduly interfere with such programs while ensuring any such program is consistent with the law and public

interest. This rule accomplishes this by providing the promotional program shall take effect after 30 days elapse from the time the utility files its application, which allows unobjectionable programs to be swiftly implemented while preserving the opportunity for objection and a hearing in instances where a program may be adverse to the public interest or inconsistent with governing law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Thad LeVar, PSC Chair	Date:	07/11/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R746-406	Filing ID:	51974
Effective Date:	07/11/2023		

Agency Information

1. Department:	Public Service Commission		
Agency:	Administration		
Building:	Heber M Wells Building		
Street address:	160 E 300 S, 4th Floor		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 4558		
City, state and zip:	Salt Lake City, UT 84114-4558		
Contact persons:			
Name:	Phone:	Email:	
Mike Hammer	801-530-6729	michaelhammer@utah.gov	

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
 R746-406. Advertising by Electric and Gas Utilities

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

The Public Service Commission (PSC) is vested with jurisdiction to supervise the business of public utilities and to regulate them, see Section 54-4-1.

Whenever the PSC determines the practices, equipment, or services of a public utility are unjust, unreasonable, improper, inadequate, or insufficient, the PSC is statutorily

charged with remediating the inadequacy by order or rule. *Id.* at Section 54-4-7.

Most major public utilities are regulated monopolies and their customers have no alternative service provider. Therefore, Title 54 created the PSC to ensure the practices of public utilities are just and reasonable and their rates reasonably reflect cost of service with a reasonable rate of return. This rule ensures ratepayers who have no alternative service provider are not compelled to pay for political, promotional, or institutional advertising unless the PSC makes a specific finding the spending is in the public interest.

Additionally, this rule specifically exempts advertising concerning (i) efficient energy consumption; (ii) service interruptions; (iii) safety measures or emergency conditions; (iv) employment opportunities with the utility; (v) explanations of rate schedules or public hearings regarding rate schedules; and (v) energy assistance programs.

This rule also exempts any advertising otherwise required by law.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The PSC has received no written comments from any interested person supporting or opposing this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it protects ratepayers from being compelled to pay for political or promotional advertising with which they may disagree or has no bearing on the quality or reliability of their service.

This rule is flexible insofar as it specifically excludes enumerated categories of advertising that are categorically in the public's and ratepayers' interests and allows utilities to obtain rate recovery for any advertising expense provided the PSC determines it is in the public interest before the expense is incurred.

This rule simply ensures that no such expenses are embedded in rates absent a finding the expenses are in the public interest. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Thad LeVar, PSC Chair	Date:	07/11/2023
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Rule Number:	R495-879	Filing ID: 54253
New Deadline Date:	11/14/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Administration (Human Services)	
Building:	TSOB	
Street address:	4315 S 2700 W, 1st Floor	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO BOX 45033	
City, state and zip:	Salt Lake City, UT 84145-0033	
Contact persons:		
Name:	Phone:	Email:
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R495-879. Parental Support for Children in Care
3. Reason for requesting the extension:
Following the consolidation and recodification of the Department of Health and Human Services (Department) statute, this rule will be repealed and simultaneously proposed under Title R527. This is in an effort to consolidate Administrative Rule Titles.
This five-year review extension will allow the Department the time necessary to propose a repeal and a proposed version of Rule R495-879, Parental Support for Children in Care, under Title R527.

Agency Authorization Information

Agency head or designee and title:	David Litvack, Deputy Director	Date:	07/03/2023
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Agriculture and Food

Plant Industry

No. 55393 (Repeal) R68-24: Industrial Hemp License for Growers

Published: 06/01/2023

Effective: 07/11/2023

No. 55411 (Amendment) R68-26: Cannabinoid Product Registration and Labeling

Published: 06/01/2023

Effective: 07/11/2023

No. 55394 (Repeal) R68-32: Sale and Transfer of Industrial Hemp Waste Material to Medical Cannabis Cultivators

Published: 06/01/2023

Effective: 07/11/2023

No. 55413 (Amendment) R68-33: Industrial Hemp Retailer Permit

Published: 06/01/2023

Effective: 07/11/2023

Education

Administration

No. 55416 (Amendment) R277-320: Grow Your Own Teacher and School Counselor Pipeline Program

Published: 06/01/2023

Effective: 07/11/2023

No. 55417 (Amendment) R277-400: School Facility Emergency and Safety

Published: 06/01/2023

Effective: 07/11/2023

No. 55418 (Repeal) R277-403: School Safety Pilot Program

Published: 06/01/2023

Effective: 07/11/2023

No. 55419 (Amendment) R277-407: School Fees

Published: 06/01/2023

Effective: 07/11/2023

No. 55420 (Amendment) R277-479: Funding for Charter School Students With Disabilities on an IEP

Published: 06/01/2023

Effective: 07/11/2023

No. 55422 (Amendment) R277-484: Data Standards

Published: 06/01/2023

Effective: 07/11/2023

No. 55423 (Amendment) R277-489: Kindergarten Programs and Assessment

Published: 06/01/2023

Effective: 07/11/2023

No. 55424 (Amendment) R277-622: School-based Mental Health Qualifying Grant Program

Published: 06/01/2023

Effective: 07/11/2023

No. 55425 (Amendment) R277-625: Mental Health Screeners

Published: 06/01/2023

Effective: 07/11/2023

No. 55426 (Amendment) R277-733: Adult Education Programs

Published: 06/01/2023

Effective: 07/11/2023

No. 55427 (Repeal) R277-930: English Language Learner Software

Published: 06/01/2023

Effective: 07/11/2023

NOTICES OF RULE EFFECTIVE DATES

Environmental Quality

Air Quality

No. 55176 (New Rule) R307-315: NOx Emission Controls for Natural Gas-Fired Boilers 2.0-5.0 MMBtu

Published: 01/15/2023

Effective: 07/10/2023

No. 55176 (Change in Proposed Rule) R307-315: NOx Emission Controls for Natural Gas-Fired Boilers 2.0-5.0 MMBtu

Published: 06/01/2023

Effective: 07/10/2023

No. 55177 (New Rule) R307-316: NOx Emission Controls for Natural Gas-Fired Boilers Greater Than 5.0 MMBtu

Published: 01/15/2023

Effective: 07/10/2023

No. 55177 (Change in Proposed Rule) R307-316: NOx Emission Controls for Natural Gas-Fired Boilers Greater Than 5.0 MMBtu

Published: 06/01/2023

Effective: 07/10/2023

Governor

Economic Opportunity

No. 55412 (Amendment) R357-22: Rural Employment Expansion Program

Published: 06/01/2023

Effective: 07/18/2023

Health and Human Services

Population Health, Environmental Health

No. 55428 (Amendment) R392-102: Food Truck Sanitation

Published: 06/01/2023

Effective: 07/17/2023

Health Care Financing, Coverage and Reimbursement Policy

No. 55386 (Amendment) R414-14: Home Health Services

Published: 05/15/2023

Effective: 07/26/2023

No. 55357 (Amendment) R414-32: Hospital Record-keeping Policy

Published: 05/15/2023

Effective: 07/26/2023

No. 55381 (Amendment) R414-504: Nursing Facility Payments

Published: 05/15/2023

Effective: 07/01/2023

No. 55319 (Amendment) R414-517: Inpatient Hospital Provider Assessments

Published: 05/01/2023

Effective: 07/11/2023

Family Health and Preparedness, Emergency Medical Services

No. 55385 (Amendment) R426-8: Emergency Medical Services Ground Ambulance Rates and Charges

Published: 05/15/2023

Effective: 06/30/2023

Health Care Facility Licensing

No. 55348 (Amendment) R432-1: General Health Care Facility Rules

Published: 05/15/2023

Effective: 07/06/2023

No. 55309 (Amendment) R432-2: General Licensing Provisions

Published: 05/15/2023

Effective: 07/26/2023

No. 55382 (Amendment) R432-8: Specialty Hospital - Chemical Dependency/Substance Abuse Construction

Published: 05/15/2023

Effective: 07/06/2023

No. 55347 (Amendment) R432-11: Orthopedic Hospital Construction

Published: 05/15/2023

Effective: 07/26/2023

No. 55350 (Amendment) R432-100: General Hospital Standards

Published: 05/15/2023

Effective: 07/06/2023

No. 55349 (New Rule) R432-108: Rural Emergency Hospital

Published: 05/15/2023

Effective: 07/06/2023

No. 55351 (Amendment) R432-700: Home Health Agency Rule

Published: 05/15/2023

Effective: 07/06/2023

Administration (Human Services)

No. 55318 (Repeal) R495-881: Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Implementation

Published: 05/01/2023

Effective: 07/07/2023

Human Services Program Licensing

No. 55431 (Repeal and Reenact) R501-13: Adult Day Care

Published: 06/01/2023

Effective: 07/19/2023

Housing Corporation

Administration

No. 55430 (Amendment) R460-3: Programs of UHC

Published: 06/01/2023

Effective: 07/10/2023

Insurance

Administration

No. 55451 (Amendment) R590-222: Life Settlements
Published: 06/15/2023
Effective: 07/25/2023

No. 55452 (Amendment) R590-249: Secondary Medical
Condition Exclusion
Published: 06/15/2023
Effective: 07/25/2023

No. 55453 (Repeal and Reenact) R590-274: Submission
and Required Disclosures of Public Adjuster Contracts
Published: 06/15/2023
Effective: 07/25/2023

Natural Resources

Water Resources

No. 55429 (Amendment) R653-11: Water Conservation
Requirements and Incentives
Published: 06/01/2023
Effective: 07/11/2023

Wildlife Resources

No. 55414 (Amendment) R657-5: Taking Big Game
Published: 06/01/2023
Effective: 07/11/2023

No. 55410 (Amendment) R657-37: Cooperative Wildlife
Management Units for Big Game or Turkey
Published: 06/01/2023
Effective: 07/11/2023

Workforce Services

Employment Development

No. 55373 (Amendment) R986-700: Child Care Assistance
Published: 05/15/2023
Effective: 07/03/2023

End of the Notices of Rule Effective Dates Section